

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CINDY MARIE HERMAN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:20-cv-00569-SAB

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
DIRECTING CLERK OF COURT TO ISSUE
SUMMONS NOTWITHSTANDING STAY
OF ACTION UNDER GENERAL ORDER
NO. 615

(ECF Nos. 1, 2)

Plaintiff Cindy Marie Herman (“Plaintiff”) seeks judicial review of a final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying an application for disability benefits pursuant to the Social Security Act. On April 20, 2020, Plaintiff filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) Plaintiff’s application to proceed *in forma pauperis* demonstrates entitlement to proceed without prepayment of fees and shall be granted. Plaintiff is hereby directed to paragraph 1 of the scheduling order to be issued in this action, which directs that the summons and complaint shall be served **within 20 days of the filing of the complaint**. Plaintiff shall promptly file proof of service with the Court upon completion of service.

On April 14, 2020, the Chief United States District Judge of the United States District Court for the Eastern District of California issued General Order No. 615 which grants a stay of all Social Security cases brought under 42 U.S.C. § 405(g) due to the COVID-19 public health

emergency's impact on the ability of the Commissioner of Social Security ("Commissioner") to prepare and file certified copies of the administrative record in such cases. Pursuant to General Order No. 615, all such civil cases filed on or after February 1, 2020, brought against the Commissioner under 42 U.S.C. § 405(g), except those cases in which a copy of the administrative record has already been filed, are immediately stayed pursuant to the issuance of the General Order, unless otherwise ordered by the assigned district judge or magistrate judge. Pursuant to the General Order, the stay will be lifted automatically when either: (1) the Commissioner files a proof of service showing that the certified copy of the administrative record has been served on Plaintiff; or (2) the Commissioner files the certified copy of the administrative record with the Court. Notwithstanding the stay of this action pursuant to General Order No. 615, the Court shall direct the issuance of the summons and direct the U.S. Marshal to serve a copy of the complaint and summons on Defendant if requested by Plaintiff. All other aspects of this action are stayed under General Order No. 615 until the stay is lifted.

Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
2. The Clerk of Court is DIRECTED to issue a summons;
3. The United States Marshal is DIRECTED to serve a copy of the complaint, summons, and this order upon Defendant if requested by Plaintiff; and
4. This action is otherwise STAYED pursuant to General Order No. 615, until the Commissioner files either a proof of service showing that the certified copy of the administrative record has been served on Plaintiff, or files the certified copy of the administrative record in this action.

IT IS SO ORDERED.

Dated: May 4, 2020


UNITED STATES MAGISTRATE JUDGE